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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,005	09/12/2001	Robert W. Baynes JR.	1933.0050001	9238

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EXAMINER

NGUYEN, MINH CHAU

ART UNIT PAPER NUMBER

2145

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/950,005

Applicant(s)

BAYNES ET AL.

Examiner

MINH-CHAU N. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

1. Claims 2-13 are rejected under 35 U.S.C. 112, fourth paragraph, as these claims do not incorporate all the limitations of the claims to which they refer.

- As an example, claim 1 states "comprising one or more of steps (a)-(c)", thus is in contradiction with claim 2 which states "wherein step (2a) comprises the steps of".

- As an example, claim 7 states "wherein step (2a) is performed" but does not further limit step (2a) of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al. (Reed) (5,862,325).

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2. Regarding claim 1, Reed teaches a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (Col. 37, L. 35-41); and
- (2) delivering said data object to the entity, comprising one or more of steps (a)-(c):
 - (a) pushing said data object to the entity (Col. 12, L. 49-51);
 - (b) transferring said data object to the entity during a sync operation (Col. 12, L. 49-51; and Col. 91, L. 3-7); and
 - (c) transferring said data object to the entity in response to a request from said entity while said entity is surfing (Col. 12, L. 58-64).

3. Regarding claim 2, Reed teaches the method of claim 1, wherein step (2a) comprises the steps of:

- (i) creating a modification event representative of said data object (Col. 23, L. 42-46); and
- (ii) sending said modification event to said entity (Col. 39, L. 4-13).

4. Regarding claim 3, Reed teaches the method of claim 2, wherein said entity processes said modification event (Col. 39, L. 13-17).

5. Regarding claim 4, Reed teaches the method of claim 1, wherein step (2b) comprises the steps of:

(i) accessing providers for information using state information maintained on behalf of said entity (Col. 15, L. 1-7);

(ii) receiving said information from said providers, wherein said information comprises said data object (Col. 15, L. 7-11; and Col. 37, L. 17-18); and

(iii) sending said information to said entity (Col. 15, L. 11-19).

6. Regarding claim 5, Reed teaches the method of claim 1, wherein step (2c) comprises the steps of:

(i) identifying one or more modification events representative of said data object, wherein said data object is associated with a said request from said entity while said entity is surfing (Col. 26, L. 53-56); and

(ii) sending said modification events to said entity (Col. 39, L. 4-13),

7. Regarding claim 6, Reed teaches the method of claim 1, wherein step (2c) comprises the steps of:

(i) accessing providers for information based on said request from said entity while said entity is surfing (Col. 15, L. 1-7);

(ii) receiving said information from said providers, wherein said information comprises said data object (Col. 15, L. 7-11; and Col. 37, L. 17-18); and

(iii) sending said information to said entity (Col. 15, L. 11-19).

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8. Regarding claim 7, Reed teaches the method of claim 1, wherein step (2a) is performed (Col. 12, L. 49-51).

9. Regarding claim 8, Reed teaches the method of claim 1, wherein step (2b) is performed (Col. 12, L. 49-51; and Col. 91, L. 3-7).

10. Regarding claim 9, Reed teaches the method of claim 1, wherein step (2c) is performed (Col. 12, L. 58-64).

11. Regarding claim 10, Reed teaches the method of claim 1, wherein steps (2a) and (2b) are performed (Col. 12, L. 49-51; and Col. 12, L. 49-51; and Col. 91, L. 3-7).

12. Regarding claim 11, Reed teaches the method of claim 1, wherein steps (2a) and (2c) are performed (Col. 12, L. 49-51; and Col. 12, L. 58-64).

13. Regarding claim 12, Reed teaches the method of claim 1, wherein steps (2b) and (2c) are performed (Col. 12, L. 49-51; and Col. 91, L. 3-7; and Col. 12, L. 58-64).

14. Regarding claim 13, Reed teaches the method of claim 1, wherein steps (2a), (2b) and (2c) are performed (Col. 12, L. 49-51; and Col. 12, L. 49-51; and Col. 91, L. 3-7; and Col. 12, L. 58-64).

15. Regarding claim 14, Reed teaches a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (Col. 37, L. 35-41); and
- (2) delivering said data object to the entity, comprising the step of pushing said data object to the entity (Col. 12, L. 49-51).

16. Regarding claim 16, Reed teaches a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (Col. 37, L. 35-41); and
- (2) delivering said data object to the entity, comprising the step of transferring said data object to the entity during a sync operation (Col. 12, L. 49-51; and Col. 91, L. 3-7).

17. Claims 15, 17 have similar limitations as claims 2 and 4, respectively, therefore are rejected under the same rationale.

18. Regarding claim 18, Reed teaches a method for delivering information to an entity, comprising the steps of:

- (1) identifying a data object to be delivered to the entity (Col. 37, L. 35-41); and
- (2) delivering said data object to the entity, comprising the step of transferring said data object to the entity in response to a request from said entity while said entity is surfing (Col. 12, L. 58-64).

19. Claims 19 and 20 have similar limitations as claims 4 and 5, respectively, therefore are rejected under the same rationale.

20. Regarding claim 21, Reed teaches a method for delivering information to an entity, comprising the steps of:

(1) generating one or more modification events representative of a modification made to a data object (Col. 26, L. 53-56); and

(2) forwarding said modification events to an entity identified as a recipient of said modification events, wherein said entity processes said modification events (Col. 39, L. 4-14).

21. Regarding claim 22, Reed teaches the method of claim 21, wherein said data object is stored at said entity, and wherein said entity processes said modification events so as to update said data object (Col. 37, L. 63 – Col. 38, L. 12; and Col. 39, L. 4-36).

22. Regarding claim 23, Reed teaches the method of claim 21, wherein step (2) is performed during a push operation (Col. 12, L. 49-51).

23. Regarding claim 24, Reed teaches the method of claim 21, wherein step (2) is performed during a sync operation (Col. 12, L. 49-51; and Col. 91, L. 3-7).

24. Regarding claim 25, Reed teaches the method of claim 21, wherein step (2) is performed during a surf operation (Col. 12, L. 58-64).

25. Regarding claim 26, Reed teaches the method of claim 21, wherein step (2) is performed during at least one of a push operation, a sync operation, and a surf operation (Col. 12, L. 49-51).

26. Regarding claim 27, Reed teaches a method for receiving and processing information by an entity, comprising the steps of:

(1) receiving a data object, comprising one or more of steps (a)-(c):

(a) receiving said data object via a push operation (Col. 17, L. 39-42);

(b) receiving said data object via a sync operation (Col. 91, L. 3-7; and L. 27-57); and

(c) receiving said data object via a surf operation (Col. 26, L. 53 – Col. 27, L. 9); and

(2) processing said data object (Col. 37, L. 63-65).

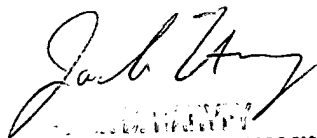
Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571) 272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK B. HARVEY can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Minh-Chau Nguyen
Art Unit: 2145

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JACK B. HARVEY
SUPERVISOR, PATENT EXAMINER